

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-CR-00195-RJC

USA

v.

ALEJANDRO VILLAREAL

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ORDER

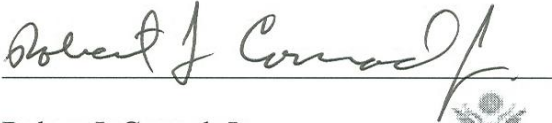
THIS MATTER is before the Court upon motion of the defendant again requesting that the Court correct the reduced sentence imposed based on retroactive amendments to the United States Sentencing Guidelines regarding drug offenses. (Doc. No. 236). The Court previously denied a similar motion. (Doc. No. 234: Motion; Doc. No. 235: Order).

The defendant claims the Court used the wrong offense level in calculating his amended guideline range; therefore, he is entitled to a lower sentence. The defendant is mistaken because he relies on the final offense level which the Court reached by a variance from the otherwise applicable guideline range. (*Id.* at 3). The process for considering a sentence reduction under USSG § 1B1.10(b)(1) is not simply subtracting 2 levels from the final offense level at the previous sentencing hearing, but rather requires the Court to “determine the amended guideline range that would have been applicable to the defendant if the amendment(s) to the guidelines listed in subsection (d) had been in effect at the time the defendant was sentenced.” The defendant has not challenged that calculation included in the Court’s Order granting relief, (Doc. No. 233), involving drug quantity, role in the offense, and money laundering; therefore, he is not entitled to further relief.

IT IS, THEREFORE, ORDERED that the defendant’s motion, (Doc. No. 236), is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the Federal Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: January 13, 2017

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

